SENATE BILL No. 506

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-1; IC 25-30.

Synopsis: Private investigator and security guard licensing. Changes the detective license law to the private investigator firm license law and the security guard agency license law. Removes exemptions concerning armored services agencies, owners of industrial plants, and retail merchants from the private investigator firm license laws. Removes one year residency requirement to obtain a license as a private investigator firm. Requires a pocket card to be issued to a licensed private investigator firm and a licensed security guard agency. Establishes: (1) the private investigator and security guard licensing board; and (2) requirements for security guard agency licensing. Changes a Class A infraction to a Class A misdemeanor for certain violations of the private investigator and security guard agency licensing laws. Makes conforming changes. Repeals provisions concerning: (1) the private detective licensing laws application to certain law enforcement officers; and (2) the establishment of the private detectives licensing board.

Effective: July 1, 2007.

Merritt, Wyss, Rogers

January 23, 2007, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.



First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

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SENATE BILL No. 506

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A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

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1	SECTION 1. IC 25-1-2-6 IS AMENDED TO READ AS FOLLOWS
2	[EFFECTIVE JULY 1, 2007]: Sec. 6. (a) As used in this section
3	"license" includes all occupational and professional licenses
4	registrations, permits, and certificates issued under the Indiana Code
5	and "licensee" includes all occupational and professional licensees
6	registrants, permittees, and certificate holders regulated under the
7	Indiana Code.

- (b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:
 - (1) Indiana board of accountancy.
 - (2) Indiana grain buyers and warehouse licensing agency.
- (3) Indiana auctioneer commission.
- 13 (4) Board of registration for architects and landscape architects.
- 14 (5) State board of barber examiners.
 - (6) State board of cosmetology examiners.
- 16 (7) Medical licensing board of Indiana.
- 17 (8) Secretary of state.



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1	(9) State board of dentistry.	
2	(10) State board of funeral and cemetery service.	
3	(11) Worker's compensation board of Indiana.	
4	(12) Indiana state board of health facility administrators.	
5	(13) Committee of hearing aid dealer examiners.	
6	(14) Indiana state board of nursing.	
7	(15) Indiana optometry board.	
8	(16) Indiana board of pharmacy.	
9	(17) Indiana plumbing commission.	
10	(18) Board of podiatric medicine.	
11	(19) Private detectives investigator and security guard licensing	
12	board.	
13	(20) State board of registration for professional engineers.	
14	(21) Board of environmental health specialists.	
15	(22) State psychology board.	
16	(23) Indiana real estate commission.	
17	(24) Speech-language pathology and audiology board.	U
18	(25) Department of natural resources.	
19	(26) State boxing commission.	
20	(27) Board of chiropractic examiners.	
21	(28) Mining board.	
22	(29) Indiana board of veterinary medical examiners.	
23	(30) State department of health.	
24	(31) Indiana physical therapy committee.	
25	(32) Respiratory care committee.	
26	(33) Occupational therapy committee.	
27	(34) Social worker, marriage and family therapist, and mental	
28	health counselor board.	V
29	(35) Real estate appraiser licensure and certification board.	
30	(36) State board of registration for land surveyors.	
31	(37) Physician assistant committee.	
32	(38) Indiana dietitians certification board.	
33	(39) Indiana hypnotist committee.	
34	(40) Attorney general (only for the regulation of athlete agents).	
35	(41) Manufactured home installer licensing board.	
36	(42) Home inspectors licensing board.	
37	(43) Any other occupational or professional agency created after	
38	June 30, 1981.	
39	(c) Notwithstanding any other law, the entities included in	
40	subsection (b) shall send a notice of the upcoming expiration of a	
41	license to each licensee at least sixty (60) days prior to the expiration	
42	of the license. The notice must inform the licensee of the need to renew	



1	and the requirement of payment of the renewal fee. If this notice of
2	expiration is not sent by the entity, the licensee is not subject to a
3	sanction for failure to renew if, once notice is received from the entity,
4	the license is renewed within forty-five (45) days of the receipt of the
5	notice.
6	SECTION 2. IC 25-1-4-0.3, AS AMENDED BY P.L.157-2006,
7	SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8	JULY 1, 2007]: Sec. 0.3. As used in section 3 of this chapter, "board"
9	means any of the following:
10	(1) Indiana board of accountancy (IC 25-2.1-2-1).
11	(2) Board of registration for architects and landscape architects
12	(IC 25-4-1-2).
13	(3) Indiana athletic trainers board (IC 25-5.1-2-1).
14	(4) Indiana auctioneer commission (IC 25-6.1-2-1).
15	(5) State board of barber examiners (IC 25-7-5-1).
16	(6) State boxing commission (IC 25-9-1).
17	(7) Board of chiropractic examiners (IC 25-10-1).
18	(8) State board of cosmetology examiners (IC 25-8-3-1).
19	(9) State board of dentistry (IC 25-14-1).
20	(10) Indiana dietitians certification board (IC 25-14.5-2-1).
21	(11) State board of registration for professional engineers
22	(IC 25-31-1-3).
23	(12) Board of environmental health specialists (IC 25-32).
24	(IC 25-32-1).
25	(13) State board of funeral and cemetery service (IC 25-15-9).
26	(14) Indiana state board of health facility administrators
27	(IC 25-19-1).
28	(15) Committee on hearing aid dealer examiners (IC 25-20-1-1.5).
29	(16) Home inspectors licensing board (IC 25-20.2-3-1).
30	(17) Indiana hypnotist committee (IC 25-20.5-1-7).
31	(18) State board of registration for land surveyors
32	(IC 25-21.5-2-1).
33	(19) Manufactured home installer licensing board (IC 25-23.7).
34	(20) Medical licensing board of Indiana (IC 25-22.5-2).
35	(21) Indiana state board of nursing (IC 25-23-1).
36	(22) Occupational therapy committee (IC 25-23.5).
37	(23) Indiana optometry board (IC 25-24).
38	(24) Indiana board of pharmacy (IC 25-26).
39	(25) Indiana physical therapy committee (IC 25-27-1).
40	(26) Physician assistant committee (IC 25-27.5).
41	(27) Indiana plumbing commission (IC 25-28.5-1-3).
42	(28) Board of podiatric medicine (IC 25-29-2-1).



1	(29) Private detectives investigator and security guard licensing	
2	board (IC 25-30-1-5.1). (IC 25-30-1-5.2).	
3	(30) State psychology board (IC 25-33).	
4	(31) Indiana real estate commission (IC 25-34.1-2).	
5	(32) Real estate appraiser licensure and certification board	
6	(IC 25-34.1-8).	
7	(33) Respiratory care committee (IC 25-34.5).	
8	(34) Social worker, marriage and family therapist, and mental	
9	health counselor board (IC 25-23.6).	
10	(35) Speech-language pathology and audiology board	
11	(IC 25-35.6-2).	
12	(36) Indiana board of veterinary medical examiners (IC 15-5-1.1).	
13	SECTION 3. IC 25-1-6-3, AS AMENDED BY P.L.206-2005,	
14	SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE	
15	JULY 1, 2007]: Sec. 3. (a) The licensing agency shall perform all	
16	administrative functions, duties, and responsibilities assigned by law	
17	or rule to the executive director, secretary, or other statutory	
18	administrator of the following:	
19	(1) Indiana board of accountancy (IC 25-2.1-2-1).	
20	(2) Board of registration for architects and landscape architects	
21	(IC 25-4-1-2).	
22	(3) Indiana auctioneer commission (IC 25-6.1-2-1).	
23	(4) State board of barber examiners (IC 25-7-5-1).	
24	(5) State boxing commission (IC 25-9-1).	
25	(6) State board of cosmetology examiners (IC 25-8-3-1).	
26	(7) State board of funeral and cemetery service (IC 25-15-9).	
27	(8) State board of registration for professional engineers	
28	(IC 25-31-1-3).	
29	(9) Indiana plumbing commission (IC 25-28.5-1-3).	
30	(10) Indiana real estate commission (IC 25-34.1).	
31	(11) Real estate appraiser licensure and certification board	
32	(IC 25-34.1-8-1).	
33	(12) Private detectives investigator and security guard licensing	
34	board (IC 25-30-1-5.1). (IC 25-30-1-5.2).	
35	(13) State board of registration for land surveyors	
36	(IC 25-21.5-2-1).	
37	(14) Manufactured home installer licensing board (IC 25-23.7).	
38	(15) Home inspectors licensing board (IC 25-20.2-3-1).	
39	(b) Nothing in this chapter may be construed to give the licensing	
40	agency policy making authority, which remains with each board.	
41	SECTION 4. IC 25-1-7-1 IS AMENDED TO READ AS FOLLOWS	
42	[EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter:	



1	"Board" means the appropriate agency listed in the definition of	
2	regulated occupation in this section.	
3	"Director" refers to the director of the division of consumer	
4	protection.	
5	"Division" refers to the division of consumer protection, office of	
6	the attorney general.	
7	"Licensee" means a person who is:	
8	(1) licensed, certified, or registered by a board listed in this	
9	section; and	
10	(2) the subject of a complaint filed with the division.	
11	"Person" means an individual, a partnership, a limited liability	
12	company, or a corporation.	
13	"Regulated occupation" means an occupation in which a person is	
14	licensed, certified, or registered by one (1) of the following:	
15	(1) Indiana board of accountancy (IC 25-2.1-2-1).	_
16	(2) Board of registration for architects and landscape architects	
17	(IC 25-4-1-2).	
18	(3) Indiana auctioneer commission (IC 25-6.1-2-1).	
19	(4) State board of barber examiners (IC 25-7-5-1).	
20	(5) State boxing commission (IC 25-9-1).	
21	(6) Board of chiropractic examiners (IC 25-10-1).	
22	(7) State board of cosmetology examiners (IC 25-8-3-1).	
23	(8) State board of dentistry (IC 25-14-1).	
24	(9) State board of funeral and cemetery service (IC 25-15-9).	_
25	(10) State board of registration for professional engineers	
26	(IC 25-31-1-3).	
27	(11) Indiana state board of health facility administrators	
28	(IC 25-19-1).	y
29	(12) Medical licensing board of Indiana (IC 25-22.5-2).	
30	(13) Indiana state board of nursing (IC 25-23-1).	
31	(14) Indiana optometry board (IC 25-24).	
32	(15) Indiana board of pharmacy (IC 25-26).	
33	(16) Indiana plumbing commission (IC 25-28.5-1-3).	
34	(17) Board of podiatric medicine (IC 25-29-2-1).	
35	(18) Board of environmental health specialists (IC 25-32-1).	
36	(19) State psychology board (IC 25-33).	
37	(20) Speech-language pathology and audiology board	
38	(IC 25-35.6-2).	
39	(21) Indiana real estate commission (IC 25-34.1-2).	
40	(22) Indiana board of veterinary medical examiners (IC 15-5-1.1).	
41	(23) Department of natural resources for purposes of licensing	
42	water well drillers under IC 25-39-3.	



1	(24) Respiratory care committee (IC 25-34.5).	
2	(25) Private detectives investigator and security guard licensing	
3	board (IC 25-30-1-5.1). (IC 25-30-1-5.2).	
4	(26) Occupational therapy committee (IC 25-23.5).	
5	(27) Social worker, marriage and family therapist, and mental	
6	health counselor board (IC 25-23.6).	
7	(28) Real estate appraiser licensure and certification board	
8	(IC 25-34.1-8).	
9	(29) State board of registration for land surveyors	
10	(IC 25-21.5-2-1).	
11	(30) Physician assistant committee (IC 25-27.5).	
12	(31) Indiana athletic trainers board (IC 25-5.1-2-1).	
13	(32) Indiana dietitians certification board (IC 25-14.5-2-1).	
14	(33) Indiana hypnotist committee (IC 25-20.5-1-7).	
15	(34) Indiana physical therapy committee (IC 25-27).	
16	(35) Manufactured home installer licensing board (IC 25-23.7).	
17	(36) Home inspectors licensing board (IC 25-20.2-3-1).	
18	(37) Any other occupational or professional agency created after	
19	June 30, 1981.	
20	SECTION 5. IC 25-1-8-1 IS AMENDED TO READ AS FOLLOWS	
21	[EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter, "board"	
22	means any of the following:	
23	(1) Indiana board of accountancy (IC 25-2.1-2-1).	
24	(2) Board of registration for architects and landscape architects	
25	(IC 25-4-1-2).	
26	(3) Indiana auctioneer commission (IC 25-6.1-2-1).	_
27	(4) State board of barber examiners (IC 25-7-5-1).	`
28	(5) State boxing commission (IC 25-9-1).	
29	(6) Board of chiropractic examiners (IC 25-10-1).	
30	(7) State board of cosmetology examiners (IC 25-8-3-1).	
31	(8) State board of dentistry (IC 25-14-1).	
32	(9) State board of funeral and cemetery service (IC 25-15).	
33	(10) State board of registration for professional engineers	
34	(IC 25-31-1-3).	
35	(11) Indiana state board of health facility administrators	
36	(IC 25-19-1).	
37	(12) Medical licensing board of Indiana (IC 25-22.5-2).	
38	(13) Mining board (IC 22-10-1.5-2).	
39	(14) Indiana state board of nursing (IC 25-23-1).	
40	(15) Indiana optometry board (IC 25-24).	
41	(16) Indiana board of pharmacy (IC 25-26).	
42	(17) Indiana plumbing commission (IC 25-28.5-1-3).	



1	(18) Board of environmental health specialists (IC 25-32-1).
2	(19) State psychology board (IC 25-33).
3	(20) Speech-language pathology and audiology board
4	(IC 25-35.6-2).
5	(21) Indiana real estate commission (IC 25-34.1-2-1).
6	(22) Indiana board of veterinary medical examiners
7	(IC 15-5-1.1-3).
8	(23) Department of insurance (IC 27-1).
9	(24) State police department (IC 10-11-2-4), for purposes of
10	certifying polygraph examiners under IC 25-30-2.
11	(25) Department of natural resources for purposes of licensing
12	water well drillers under IC 25-39-3.
13	(26) Private detectives investigator and security guard licensing
14	board (IC 25-30-1-5.1). (IC 25-30-1-5.2).
15	(27) Occupational therapy committee (IC 25-23.5-2-1).
16	(28) Social worker, marriage and family therapist, and mental
17	health counselor board (IC 25-23.6-2-1).
18	(29) Real estate appraiser licensure and certification board
19	(IC 25-34.1-8).
20	(30) State board of registration for land surveyors
21	(IC 25-21.5-2-1).
22	(31) Physician assistant committee (IC 25-27.5).
23	(32) Indiana athletic trainers board (IC 25-5.1-2-1).
24	(33) Board of podiatric medicine (IC 25-29-2-1).
25	(34) Indiana dietitians certification board (IC 25-14.5-2-1).
26	(35) Indiana physical therapy committee (IC 25-27).
27	(36) Manufactured home installer licensing board (IC 25-23.7).
28	(37) Home inspectors licensing board (IC 25-20.2-3-1).
29	(38) Any other occupational or professional agency created after
30	June 30, 1981.
31	SECTION 6. IC 25-1-8-6, AS AMENDED BY P.L.157-2006,
32	SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33	JULY 1, 2007]: Sec. 6. (a) As used in this section, "board" means any
34	of the following:
35	(1) Indiana board of accountancy (IC 25-2.1-2-1).
36	(2) Board of registration for architects and landscape architects
37	(IC 25-4-1-2).
38	(3) Indiana athletic trainers board (IC 25-5.1-2-1).
39	(4) Indiana auctioneer commission (IC 25-6.1-2-1).
40	(5) State board of barber examiners (IC 25-7-5-1).
41	(6) State boxing commission (IC 25-9-1).
42	(7) Board of chiropractic examiners (IC 25-10-1).



1	(8) State board of cosmetology examiners (IC 25-8-3-1).
2	(9) State board of dentistry (IC 25-14-1).
3	(10) Indiana dietitians certification board (IC 25-14.5-2-1).
4	(11) State board of registration for professional engineers
5	(IC 25-31-1-3).
6	(12) Board of environmental health specialists (IC 25-32-1).
7	(13) State board of funeral and cemetery service (IC 25-15-9).
8	(14) Indiana state board of health facility administrators
9	(IC 25-19-1).
10	(15) Committee on hearing aid dealer examiners (IC 25-20-1-1.5).
11	(16) Home inspectors licensing board (IC 25-20.2-3-1).
12	(17) Indiana hypnotist committee (IC 25-20.5-1-7).
13	(18) State board of registration for land surveyors
14	(IC 25-21.5-2-1).
15	(19) Manufactured home installer licensing board (IC 25-23.7).
16	(20) Medical licensing board of Indiana (IC 25-22.5-2).
17	(21) Indiana state board of nursing (IC 25-23-1).
18	(22) Occupational therapy committee (IC 25-23.5).
19	(23) Indiana optometry board (IC 25-24).
20	(24) Indiana board of pharmacy (IC 25-26).
21	(25) Indiana physical therapy committee (IC 25-27).
22	(26) Physician assistant committee (IC 25-27.5).
23	(27) Indiana plumbing commission (IC 25-28.5-1-3).
24	(28) Board of podiatric medicine (IC 25-29-2-1).
25	(29) Private detectives investigator and security guard licensing
26	board (IC 25-30-1-5.1). (IC 25-30-1-5.2).
27	(30) State psychology board (IC 25-33).
28	(31) Indiana real estate commission (IC 25-34.1-2).
29	(32) Real estate appraiser licensure and certification board
30	(IC 25-34.1-8).
31	(33) Respiratory care committee (IC 25-34.5).
32	(34) Social worker, marriage and family therapist, and mental
33	health counselor board (IC 25-23.6).
34	(35) Speech-language pathology and audiology board
35	(IC 25-35.6-2).
36	(36) Indiana board of veterinary medical examiners (IC 15-5-1.1).
37	(b) This section does not apply to a license, certificate, or
38	registration that has been revoked or suspended.
39	(c) Notwithstanding any other law regarding the reinstatement of a
40	delinquent or lapsed license, certificate, or registration, the holder of
41	a license, certificate, or registration that was issued by the board that
42	is three (3) years or less delinquent must be reinstated upon meeting



1	the following requirements:
2	(1) Submission of the holder's completed renewal application.
3	(2) Payment of the current renewal fee established by the board
4	under section 2 of this chapter.
5	(3) Payment of a reinstatement fee established by the Indiana
6	professional licensing agency.
7	(4) If a law requires the holder to complete continuing education
8	as a condition of renewal, the holder shall provide the board with
9	a sworn statement, signed by the holder, that the holder has
10	fulfilled the continuing education requirements required by the
11	board for the current renewal period.
12	(d) Notwithstanding any other law regarding the reinstatement of a
13	delinquent or lapsed license, certificate, or registration, unless a statute
14	specifically does not allow a license, certificate, or registration to be
15	reinstated if it has lapsed for more than three (3) years, the holder of a
16	license, certificate, or registration that was issued by the board that is
17	more than three (3) years delinquent must be reinstated upon meeting
18	the following requirements:
19	(1) Submission of the holder's completed renewal application.
20	(2) Payment of the current renewal fee established by the board
21	under section 2 of this chapter.
22	(3) Payment of a reinstatement fee equal to the current initial
23	application fee.
24	(4) If a law requires the holder to complete continuing education
25	as a condition of renewal, the holder shall provide the board with
26	a sworn statement, signed by the holder, that the holder has
27	fulfilled the continuing education requirements required by the
28	board for the current renewal period.
29	(5) Complete such remediation and additional training as deemed
30	appropriate by the board given the lapse of time involved.
31	(6) Any other requirement that is provided for in statute or rule
32	that is not related to fees.
33	SECTION 7. IC 25-1-11-1 IS AMENDED TO READ AS
34	FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this
35	chapter, "board" means any of the following:
36	(1) Indiana board of accountancy (IC 25-2.1-2-1).
37	(2) Board of registration for architects and landscape architects
38	(IC 25-4-1-2).
39	(3) Indiana auctioneer commission (IC 25-6.1-2).
40	(4) State board of barber examiners (IC 25-7-5-1).
41	(5) State boxing commission (IC 25-9-1).
42	(6) State board of cosmetology examiners (IC 25-8-3-1).



1	(7) State board of registration of land surveyors (IC 25-21.5-2-1).
2	(8) State board of funeral and cemetery service (IC 25-15-9).
3	(9) State board of registration for professional engineers
4	(IC 25-31-1-3).
5	(10) Indiana plumbing commission (IC 25-28.5-1-3).
6	(11) Indiana real estate commission (IC 25-34.1-2-1).
7	(12) Real estate appraiser licensure certification board
8	(IC 25-34.1-8).
9	(13) Private detectives investigator and security guard licensing
10	board (IC 25-30-1-5.1). (IC 25-30-1-5.2).
11	(14) Manufactured home installer licensing board (IC 25-23.7).
12	(15) Home inspectors licensing board (IC 25-20.2-3-1).
13	SECTION 8. IC 25-30-1-1 IS AMENDED TO READ AS
14	FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. This chapter may be
15	cited as the "Detective License Law." "Private Investigator Firm
16	License Law".
17	SECTION 9. IC 25-30-1-2, AS AMENDED BY P.L.1-2006,
18	SECTION 474, IS AMENDED TO READ AS FOLLOWS
19	[EFFECTIVE JULY 1, 2007]: Sec. 2. As used in this chapter:
20	(1) "Person" means an individual, a firm, a company, an
21	association, an organization, a partnership, or a corporation.
22	(2) "Licensee" means a person licensed under this chapter.
23	(3) "Private detective" means a person who conducts a private
24	detective business with or without the assistance of an employee.
25	(4) (3) "Private detective business" investigator firm" means the
26	business of:
27	(A) making, for hire or reward, investigation or investigations
28	for the purpose of obtaining information with reference to:
29	(i) a crime against the state or wrongs done or threatened;
30	(ii) the habits, conduct, movements, whereabouts,
31	association, transactions, reputation, or character of a
32	person;
33	(iii) credibility of witnesses or other persons;
34	(iv) the location or recovery of lost, abandoned, unclaimed,
35	or stolen property;
36	(v) the causes, origin, or responsibility for fires or accidents
37	or injuries to real or personal property; or
38	(vi) the truth or falsity of a statement or representation;
39	(B) securing, for hire or reward, evidence to be used for
40	authorized investigation committees or boards of award or
41	arbitration or in the trial of civil or criminal cases; or
42	(C) furnishing, providing, for hire or reward, a guard or



1	guards or other persons to protect persons or property or to
2	prevent the misappropriation or concealment of goods, wares
3	and merchandise, money, bonds, stocks, choses in action,
4	notes, or other valuable documents or papers. undercover
5	investigators to detect and prevent fraud and theft in the
6	workplace or elsewhere.
7	(5) "Industrial plant" means a factory, business, or concern that is
8	engaged primarily in the manufacture or assembly of goods or the
9	processing of raw materials, or both.
10	(6) (4) "Board" refers to the private detectives licensing
11	investigator and security guard board established under section
12	5.1 5.2 of this chapter.
13	(7) (5) "Licensing agency" refers to the Indiana professional
14	licensing agency established under IC 25-1-5-3.
15	(8) "Resident" means a person who has established an actual
16	domicile in Indiana.
17	(6) "Business entity" means a firm, a company, an association,
18	an organization, a partnership, or a corporation.
19	SECTION 10. IC 25-30-1-3 IS AMENDED TO READ AS
20	FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. It shall be unlawful
21	for a person partnership, or corporation to:
22	(1) engage in the business of private detective; or to as a private
23	investigator firm;
24	(2) solicit or advertise for business as a private detective;
25	investigator firm; or
26	(3) represent or hold the person partnership, or corporation out to
27	be as a private detective investigator firm;
28	unless the person partnership, or corporation is licensed as a private
29	investigator firm under this chapter and complies with this chapter
30	and rules adopted under this chapter.
31	SECTION 11. IC 25-30-1-5 IS AMENDED TO READ AS
32	FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. This chapter does not
33	require any of the following persons to be a licensee:
34	(1) A law enforcement officer of the United States, a state, or a
35	political subdivision of a state to the extent that the officer or
36	employee is engaged in the performance of the officer's or
37	employee's official duties.
38	(2) Any person to the extent that the person is engaged in the
39	business of furnishing and obtaining information concerning the
40	financial rating of other persons.
41	(3) A collection agency licensed by the secretary of state or its
12	employee acting within the scope of the employee's employment,



1	to the extent that the person is making an investigation incidental
2	to the business of the agency, including an investigation of the
3	location of a debtor or a debtor's assets in a property that the client
4	has an interest in or a lien upon.
5	(4) An armored service agency to the extent that the agency is
6	engaged in the business of transporting property to prevent the
7	theft or unlawful taking of goods, wares, merchandise, or money.
8	(5) (4) An attorney or employee of an attorney to the extent that
9	the person is engaged in investigative matters incident to the
.0	delivery of professional services that constitute the practice of
. 1	law.
. 2	(6) (5) An insurance adjuster to the extent that the adjuster is
.3	employed in the investigation and settlement of claims made
.4	against insurance companies or persons insured by insurance
.5	companies if the adjuster is a regular employee of the insurance
6	company and the insurance company is authorized to do business
7	in Indiana and is complying with the laws regulating insurance
8	companies in Indiana.
9	(7) Any employee to the extent that the employee is hired for the
20	purpose of guarding and protecting the properties of railroad
21	companies and is licensed as a railroad policeman under
22	IC 8-3-17.
23	(8) An owner of an industrial plant or an employee of the owner
24	to the extent that the person is hiring a plant security guard for the
2.5	owner's industrial plant.
26	(9) (6) A person primarily engaged in the business of furnishing
27	information for:
28	(A) business decisions and transactions in connection with
29	credit, employment, or marketing; or
30	(B) insurance underwriting purposes.
31	including a consumer reporting agency as defined by the Fair
32	Credit Reporting Act (15 U.S.C. 1681 et seq.).
33	(10) A retail merchant or an employee of the retail merchant to
34	the extent that the person is hiring a security guard for the retail
55	merchant's retail establishment.
66	(11) (7) A professional engineer registered under IC 25-31 or a
37	person acting under a registered professional engineer's
8	supervision, to the extent the professional engineer is engaged in
19	an investigation incident to the practice of engineering.
10	(12) (8) An architect with a certificate of registration under
1	IC 25-4, to the extent the architect is engaged in an investigation
12	incident to the practice of architecture



1	(13) (9) A land surveyor with a certificate of registration under
2	IC 25-21.5, to the extent the land surveyor is engaged in an
3	investigation incident to the practice of land surveying.
4	(14) (10) A certified public accountant with a certificate under
5	IC 25-2.1-3, to the extent that the person is engaged in an
6	investigation incident to the practice of accountancy.
7	SECTION 12. IC 25-30-1-5.2 IS ADDED TO THE INDIANA
8	CODE AS A NEW SECTION TO READ AS FOLLOWS
9	[EFFECTIVE JULY 1, 2007]: Sec. 5.2. (a) The private investigator
10	and security guard licensing board is established.
11	(b) The board consists of:
12	(1) the superintendent of the state police department or the
13	superintendent's designee; and
14	(2) the following six (6) members appointed by the governor
15	from different geographic regions of Indiana as determined
16	by the governor:
17	(A) Two (2) individuals who are associated with a private
18	investigator firm licensed under this article.
19	(B) Two (2) individuals who are associated with a security
20	guard agency licensed under this article.
21	(C) One (1) local law enforcement official.
22	(D) One (1) person who is not associated with the private
23	investigator firm or security guard agency other than as a
24	consumer.
25	(c) Each member of the board appointed by the governor shall
26	serve a term of two (2) years.
27	(d) The governor may remove a board member appointed by
28	the governor for incompetency or failure to perform the member's
29	duties under this chapter.
30	(e) A vacancy in the membership of the board shall be filled by
31	appointment by the governor for the unexpired term.
32	(f) Each member of the board who is not a state employee is
33	entitled to the minimum salary per diem provided by
34	IC 4-10-11-2.1(b). Each member of the board is entitled to
35	reimbursement for traveling expenses and other expenses actually
36	incurred in connection with the member's duties, as provided in the
37	state travel policies and procedures established by the Indiana
38	department of administration and approved by the budget agency.
39	SECTION 13. IC 25-30-1-6.5 IS ADDED TO THE INDIANA
40	CODE AS A NEW SECTION TO READ AS FOLLOWS
41	[EFFECTIVE JULY 1, 2007]: Sec. 6.5. (a) The board shall meet
42	upon the call of the board president.



1	(b) Four (4) members of the board constitute a quorum.
2	SECTION 14. IC 25-30-1-7, AS AMENDED BY P.L.194-2005,
3	SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4	JULY 1, 2007]: Sec. 7. (a) An application for license licensure as a
5	private detective investigator firm must be on a form prescribed by
6	the board accompanied by the license fee established by the board
7	under IC 25-1-8.
8	(b) The application for licensure as a private investigator firm
9	shall be verified and shall include the following:
10	(1) The full name and business address, including street address,
11	of the applicant.
12	(2) The name under which the applicant intends to do business as
13	a private detective. investigator firm.
14	(3) If the applicant is a person other than an individual, The full
15	name and residence residential address of each of its the private
16	investigator firm's members, partners, officers, and directors,
17	and its managers.
18	(4) The proof of insurance required by section 15 of this
19	chapter.
20	(4) (5) Other information, evidence, statements, or documents
21	required by the board.
22	SECTION 15. IC 25-30-1-8 IS AMENDED TO READ AS
23	FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) Before the
24	application for a license is granted, the applicant must meet all of the
25	following: The board may not issue a private investigator firm
26	license to an individual unless the individual:
27	(1) Be is at least twenty-one (21) years of age; and
28	(2) Be a resident of Indiana for at least one (1) year, except for
29	firms, partnerships, or corporations that are licensed in another
30	state and who otherwise comply with this chapter.
31	(3) Have:
32	(A) experience in private detective work under a licensee, or
33	its equivalent;
34	(B) law enforcement experience;
35	(C) a degree in criminal justice; or
36	(D) any other experience relevant to the private detective
37	business;
38	as determined by the board.
39	(2) demonstrates the necessary knowledge and skills, as
40	determined by the board, to conduct a private investigator
41	firm competently.
42	(b) If the applicant is a corporation or a partnership, The board



1	may not issue a private investigator firm license to a business entity	
2	unless:	
3	(1) one (1) officer in the case of a corporation; or	
4	(2) one (1) partner in the case of a partnership;	
5	must meet of the business entity meets the personal qualifications as	
6	set out in subsection (a), unless otherwise provided.	
7	(c) The board may deny a license unless the applicant makes a	
8	showing satisfactory to the board that the applicant has not, or if a	
9	partnership or corporation, the applicant is a business entity, that the	
10	officer or partner in subsection (b): has not:	1
11	(1) has not committed an act, which, if committed by a licensee	- (
12	would be ground grounds for the suspension or revocation of a	
13	license under this chapter;	
14	(2) has not been convicted of a:	
15	(A) felony; or	
16	(B) a misdemeanor that has a direct bearing upon the	4
17	applicant's ability to practice competently;	(
18	(3) has not been refused a license under this chapter or had a	
19	license revoked; or	
20	(4) has not while unlicensed, committed, or aided and abetted	
21	commission of an act for which a license is required by this	
22	chapter;	
23	(5) is not on probation or parole; or	
24	(6) is not being sought under an active warrant against the	ı
25	applicant, officer, or partner.	
26	SECTION 16. IC 25-30-1-8.5 IS ADDED TO THE INDIANA	
27	CODE AS A NEW SECTION TO READ AS FOLLOWS	1
28	[EFFECTIVE JULY 1, 2007]: Sec. 8.5. If a change in the ownership	
29	of a private investigator firm results in the failure to meet the	1
30	qualifications set forth in section 8 of this chapter:	
31	(1) the license of the private investigator firm terminates on	
32	the date the change in ownership is effective; and	
33	(2) the private investigator firm must file a new application	
34	for a license as a private investigator firm with the board.	
35	SECTION 17. IC 25-30-1-9 IS AMENDED TO READ AS	
36	FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) Upon the death	
37	of an individual licensed under this chapter, the business private	
38	investigator firm with which the decedent was connected may be	
39	carried on for a period of ninety (90) days after the individual's death	
40	by the following:	
41	(1) In the case of an individual licensee the surviving spouse, or	
12	if there is no surviving spouse, the executor or administrator of	



1	the estate of the decedent.
2	(2) In the case of a partner, the surviving partners.
3	(3) In the case of an officer of a firm, company, association,
4	organization, or corporation, a business entity, the other officers
5	of the firm, company, association, organization, or corporation.
6	the business entity.
7	(b) Upon the authorization of the board, the business private
8	investigator firm may be carried on for a further period of time when
9	necessary to complete an investigation or assist in litigation pending at
10	the death of the decedent.
11	(c) Nothing in this section authorizes the solicitation or acceptance
12	of business after the death of the decedent except as provided by this
13	chapter.
14	(d) Nothing in this section shall be construed to restrict the sale of
15	a private detective business investigator firm if the vendee qualifies
16	for a license under this chapter.
17	SECTION 18. IC 25-30-1-10 IS AMENDED TO READ AS
18	FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) A license, when
19	issued, shall be in a form determined by the board and shall include the
20	following:
21	(1) The full name of the licensee. or the names of the individual
22	partners if the licensee is a partnership, or the names of the
23	officers and directors of the corporation if the licensee is a
24	corporation.
25	(2) The name under which the licensee is to operate.
26	(3) (2) The number and expiration date of the license.
27	(4) Other information the board deems necessary.
28	(b) The license shall be posted in a conspicuous place in the
29	principal place of business of the licensee.
30	(c) (b) Upon the issuance of a private investigator firm license, a
31	pocket card of a design determined by the board shall be issued without
32	charge to each the licensee. other than a corporation. If the licensee is
33	a corporation or partnership, the pocket card must be issued to each
34	officer, partner, and manager of the corporation or partnership who also
35	meet the requirements under section 8 of this chapter. Each individual
36	who is issued a pocket card under this subsection shall affix an
37	appropriate picture to the pocket card, and in addition to the picture the
38	pocket card shall also contain a fingerprint of the forefinger of the
39	licensee. When a license is revoked, the pocket card shall be
40	surrendered and, within not later than five (5) days after revocation,
41	shall be mailed or delivered by the licensee to the board for



cancellation.

1	(d) The board shall furnish each of the licensee's employees, except
2	office employees, with an identification card. The identification card
3	shall contain a recent picture of the employee, the employee's name, the
4	licensee's name and address, the license number of the employee's
5	employer, and a thumbprint of the employee. The licensee shall affix
6	each employee's picture and thumbprint to the identification card.
7	(e) (c) A licensee licensed private investigator firm shall, within
8	not later than thirty (30) days after a change, notify the board of any
9	changes of to the:
10	(1) licensee's address; of the
11	(2) name under which the licensee does business; and of a change
12	of the
13	(3) licensee's officers, directors, members, or partners.
14	(f) (d) A license issued under this chapter is not assignable and is
15	personal to the licensee.
16	(e) A licensee shall present, upon the request of a client, a pocket
17	card license that indicates the:
18	(1) license is active; and
19	(2) licensee is in good standing.
20	SECTION 19. IC 25-30-1-11 IS AMENDED TO READ AS
21	FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) A licensee may
22	employ, to assist the licensee in the licensee's business as a private
23	detective, investigator firm, as many unlicensed persons as may be
24	necessary. The licensee is civilly responsible for the good conduct of
25	an employee all employees while the employee is unlicensed persons
26	are acting on behalf of the licensee.
27	(b) A licensee shall maintain a record, relative to the licensee's
28	employees, containing the following information:
29	(1) A picture taken within thirty (30) days of the date that the
30	employee commences employment with the licensee.
31	(2) A full set of fingerprints of both hands of the employee.
32	(c) A licensed private investigator firm shall, at the board's
33	request, provide the board with a roster of all unlicensed
34	individuals employed by the private investigator firm.
35	SECTION 20. IC 25-30-1-14 IS AMENDED TO READ AS
36	FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) It shall be
37	unlawful for a person licensed by any other state to do business in
38	Indiana unless the person is licensed and authorized to do business in
39	Indiana. A person may not do business in Indiana until the person is
40	licensed with the board and meets the requirements for licensees of this

state. except the residence requirement of one (1) year. In addition, an

out-of-state person must prove to the board that the person is in good



41

1	standing in the state the person was issued a license.	
2	(b) A person licensed under this section must have a resident	
3	licensee:	
4	(1) whose name and license number appear on the license for the	
5	private detective business; and	
6	(2) who, in writing to the board, assumes full responsibility for the	
7	following:	
8	(A) All the employees of the private detective business.	
9	(B) Maintaining all records required under this chapter in an	
10	Indiana location.	
11	(C) Assuring compliance with this chapter.	
12	(c) The resident licensee is responsible for informing the board, in	
13	writing, of the following:	
14	(1) When the relationship with an out-of-state licensee is	
15	terminated.	_
16	(2) Where records are maintained by the resident licensee.	
17	(d) This section does not relieve a licensee of responsibility for	
18	complying with this chapter.	
19	SECTION 21. IC 25-30-1-15 IS AMENDED TO READ AS	
20	FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. (a) An applicant for	
21	a private detective investigator firm license who employs more than	
22	fourteen (14) others must shall submit proof to the board that the	
23	applicant is insured by an insurance company authorized to do business	
24	in Indiana for the amount of one hundred thousand dollars (\$100,000)	
25	liability per occurrence. a certificate of insurance or other evidence	
26	of financial responsibility that:	
27	(1) is approved by the board; and	
28	(2) meets the following requirements:	1
29	(A) Is issued by an insurance company or other legal entity	
30	authorized to transact business in Indiana.	
31	(B) Provides for general liability coverage of at least one	
32	hundred thousand dollars (\$100,000).	
33	(C) Lists the state as an additional insured.	
34	(D) States that cancellation and nonrenewal of the	
35	underlying policy or other evidence of financial	
36	responsibility is not effective until the board receives	
37	written notice at least ten (10) days before the cancellation	
38	or nonrenewal of the policy.	
39	(E) Contains any other terms and conditions established by	
40	the board.	
41	(b) An applicant for a private detective license who employs less	
42	than fifteen (15) others must do one (1) of the following:	



1	(1) Post with the board a surety bond that:
2	(A) names the applicant as the principal;
3	(B) obligates the surety in the amount of seven thousand
4	dollars (\$7,000) to the board in favor of the state;
5	(C) requires the principal, if granted a license, to conduct the
6	business of private detective faithfully and honestly and to
7	observe all Indiana statutes; and
8	(D) authorizes the board to declare the bond in default and to
9	levy against the surety and the principal under the bond for the
10	payment of actual damages to any person who is harmed as a
11	result of the principal's violation of the requirements described
12	in clause (C).
13	(2) Submit proof to the board that the applicant is insured by an
14	insurance company authorized to do business in Indiana for the
15	amount of one hundred thousand dollars (\$100,000) per liability
16	occurrence.
17	(c) (b) The insurance referred to in subsections subsection (a): and
18	(b)(2):
19	(1) must cover damages that the insured becomes legally
20	obligated to pay for bodily injury or property damage proximately
21	caused to a person by the insured in conducting business as a
22	private detective; investigator firm;
23	(2) must include coverage for:
24	(A) false arrest, detention, or imprisonment;
25	(B) malicious prosecution; and
26	(C) wrongful entry or eviction, or other invasion of the right of
27	private occupancy; and
28	(3) may not exclude coverage for an intentional act taken by or at
29	the direction of the insured that results in bodily injury, if such
30	injury arises solely from the use of reasonable force for the
31	purpose of protecting persons or property.
32	(d) (c) Every If a licensee who employs at least fifteen (15) others
33	shall at all times maintain in force the insurance referred to in
34	subsection (a). Upon a licensee's failure fails to comply with this
35	subsection, the insurance requirements of this section, the license of
36	the licensee shall be suspended. A license suspended under this
37	subsection may not be reinstated until an application for reinstatement
38	of the license, in the form prescribed by the board, is filed with the
39	board, together with proper proof of insurance.
40	(e) Every licensee who employs less than fifteen (15) others shall at
41	all times maintain in force a surety bond on file with the board under
42	subsection (b)(1) or maintain in force the insurance provided by



1	subsection (b)(2). Upon a licensee's failure to comply with this
2	subsection, the license of the licensee shall be suspended. A license
3	suspended under this subsection may not be reinstated until an
4	application for the license, in the form prescribed by the board, is filed
5	with the board, together with proper proof of insurance or surety bond.
6	(f) (d) The board may deny an application for the reinstatement of
7	a license suspended under this section, notwithstanding the applicant's
8	compliance with the insurance or the surety bond requirements of this
9	section for any of the following:
10	(1) Any reason that would justify a refusal to issue, a suspension,
11	or a revocation of a license.
12	(2) The performance by the applicant, while the applicant's
13	license was suspended under this section, of any practice for
14	which a license under this chapter is required.
15	(g) A surety bond posted with the board under this section may be
16	canceled by the surety thirty (30) days after the surety gives the board
17	written notice of its intent to cancel the bond. However, the
18	cancellation of a bond under this subsection does not terminate the
19	liability of the surety on the bond in connection with any action
20	commenced before the cancellation of the bond.
21	SECTION 22. IC 25-30-1-16, AS AMENDED BY P.L.157-2006,
22	SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23	JULY 1, 2007]: Sec. 16. (a) Unless a license is renewed, a license and
24	the identification cards of the licensee's employees issued under this
25	chapter expire expires on a date specified by the licensing agency
26	under IC 25-1-6-4 and expire expires biennially every four (4) years
27	after the initial expiration date. An applicant for renewal shall pay the
28	renewal fee established by the board under IC 25-1-8-2 on or before the
29	renewal date specified by the licensing agency.
30	(b) If the holder of a license does not renew the license by the date
31	specified by the licensing agency, the license expires and becomes
32	invalid without any action taken by the board.
33	(c) A licensee desiring a renewal license must:
34	(1) file an application for renewal at least thirty (30) days before
35	the expiration of the licensee's license on a form as prescribed by
36	the board; and
37	(2) meet the license renewal requirements determined by the
38	board.
39	(d) (c) A license may be reinstated within not later than thirty (30)
40	days after the expiration of the license if the applicant does the
41	following:
42	(1) Files an application for renewal with the board.
	(1) I not an application for fene war with the obtain.



1	(2) Meets the license requirements determined by the board.
2	(3) (2) Pays a the renewal fee and restoration fee established
3	under IC 25-1-8-6.
4	(e) Employee identification cards issued under this chapter expire
5	at the same time as the license referred to in subsection (a).
6	SECTION 23. IC 25-30-1-17, AS AMENDED BY P.L.194-2005,
7	SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8	JULY 1, 2007]: Sec. 17. (a) The board shall charge and the licensing
9	agency shall collect the fees established by the board under IC 25-1-8.
0	(b) All fees collected under this chapter shall go into the general
1	fund and shall be accounted for by the licensing agency.
2	(c) All fees collected under this chapter are nontransferable and
3	nonrefundable.
4	SECTION 24. IC 25-30-1-19.5 IS AMENDED TO READ AS
.5	FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19.5. A person who
6	that files a civil action to collect fees for performing acts regulated by
7	this chapter must allege and prove that when the action arose the
.8	person was not in violation of section 22 of this chapter.
9	SECTION 25. IC 25-30-1-21 IS AMENDED TO READ AS
20	FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 21. (a) Except as
21	provided in subsection (b), A person who violates this chapter commits
22	a Class A misdemeanor.
23	(b) A person who violates this chapter if the person is not exempt
24	under section 5 of this chapter, who does not have a private detective
25	investigator firm license, and who: knowingly or intentionally:
26	(1) engages in the private detective investigator firm business;
27	(2) solicits or advertises for business as a private detective;
28	investigator firm; or
29	(3) in any way represents to be a private detective; investigator
0	firm.
31	commits a Class A infraction.
32	(c) In addition to any other fine imposed on the person, the court
3	shall fine the person convicted of an offense under subsection (b) the
4	amount of compensation earned by the person in the commission of the
55	offense. Notwithstanding IC 34-28-5-4(a), IC 35-50-3-2 , the total fine
66	imposed under this section may exceed ten thousand dollars (\$10,000)
37	if necessary to comply with this subsection.
8	(d) Each transaction under subsection (b) constitutes a separate
9	offense.
10	(e) A complaint for a violation of this chapter or for an injunction
1	under section 22 of this chapter is sufficient if the complaint alleges
12	that a person on a specific day in a specific county:



1	(1) acted engages in business as a private detective; investigator
2	firm;
3	(2) solicited or advertised for business as a private detective;
4	investigator firm; or
5	(3) represented to be a private detective; investigator firm;
6	without a private detective investigator firm license.
7	(f) A person who knowingly or intentionally fails or refuses to
8	surrender a private investigator firm license issued under this
9	chapter when the license is revoked by the board commits a Class
.0	A misdemeanor.
1	SECTION 26. IC 25-30-1-22 IS AMENDED TO READ AS
2	FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 22. (a) If the board
3	determines that a person who that is not licensed or exempt under this
4	chapter is engaged in activities that require a license, the board may
5	send a notice of hearing requiring the person to show cause why the
.6	challenged activities are not a violation of this chapter. The notice must
7	be in writing and include the following information:
. 8	(1) The date, time, and place of the hearing.
9	(2) The alleged violation.
20	(3) That the affected person or the person's representative may
21	present evidence concerning the alleged violation.
22	(b) A hearing conducted under this section must comply with the
23	requirements under IC 4-21.5.
24	(c) If the board after a hearing determines that the activities that the
25	person engaged in are subject to licensing under this chapter, the board
26	may issue a cease and desist order that describes the person and
27	activities that are the subject of the order.
28	(d) A cease and desist order issued under this section is enforceable
29	in the circuit courts of Indiana.
30	(e) The attorney general, the board, or the prosecuting attorney of
31	any county where a violation of section 21(b) of this chapter occurs
32	may file an action in the name of the state for an injunction.
33	SECTION 27. IC 25-30-1.3 IS ADDED TO THE INDIANA CODE
34	AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
35	JULY 1, 2007]:
66	Chapter 1.3. Security Guard Agency Licensing
37	Sec. 1. As used in this chapter, "board" refers to the private
8	investigator and security guard licensing board established under
19	IC 25-30-1-5.2.
10	Sec. 2. As used in this chapter, "business entity" means a firm,
1	a company, an association, an organization, a partnership, or a
12	corporation



1	Sec. 3. As used in this chapter, "licensee" means a person	
2	licensed as a security guard agency under this chapter.	
3	Sec. 4. As used in this chapter, "person" means an individual, a	
4	firm, a company, an association, an organization, a partnership, or	
5	a corporation.	
6	Sec. 5. As used in this chapter, "security guard agency" means	
7	a person that is in the business of providing, for hire or reward, a	
8	guard or other individual to:	
9	(1) protect persons or property; or	
0	(2) prevent the misappropriation or concealment of goods,	4
1	wares and merchandise, money, bonds, stocks, choses in	
2	action, notes, or other valuable documents or papers.	
3	Sec. 6. This chapter does not apply to the following:	
4	(1) A law enforcement officer of the United States, a state, or	
5	a political subdivision of a state to the extent that the officer	
6	is engaged in the performance of the officer's official duties.	
7	(2) An employee to the extent that the employee is hired for	
8	the purpose of guarding and protecting the properties of	
9	railroad companies and is licensed as a railroad policeman	
20	under IC 8-3-17, to the extent that the employee is engaged in	
21	the performance of the employee's official duties.	_
22	Sec. 7. A person may not:	
23	(1) engage in business as a security guard agency;	
24	(2) solicit or advertise for business as a security guard agency;	
25	or	
26	(3) represent or hold a person out as a security guard agency;	
27	unless the person is licensed as a security guard agency under this	
28	chapter.	
29	Sec. 8. (a) A person must apply for a license as a security guard	
0	agency by submitting the following to the board:	
31	(1) An application as described under subsection (b) and in a	
32	form prescribed by the board.	
3	(2) A licensing fee established by the board under IC 25-1-8.	
34	(b) The application for licensure as a security guard agency	
55	must include the following:	
66	(1) The full name and business address, including street	
57	address, of the applicant.	
8	(2) The name under which the applicant intends to do business	
19	as a security guard agency.	
10	(3) The full name and residential address of each of the	
1	security guard agency's members, partners, officers,	
-2	directors, and managers.	



1	(4) Proof of insurance required under section 16 of this	
2	chapter.	
3	(5) Other information, evidence, statements, or documents	
4	required by the board.	
5	Sec. 9. (a) The board may not issue a security guard agency	
6	license to an individual unless the individual:	
7	(1) is at least twenty-one (21) years of age; and	
8	(2) demonstrates the necessary knowledge and skills, as	
9	determined by the board, to conduct a security guard agency	_
0	competently.	
1	(b) The board may not issue a security guard agency license to	
2	a business entity unless:	
3	(1) one (1) officer in the case of a corporation; or	
4	(2) one (1) partner in the case of a partnership;	
5	of the business entity meets the personal qualifications as set out in	
6	subsection (a), unless otherwise provided.	
7	(c) The board may deny a license unless the applicant makes a	
8	showing satisfactory to the board that the applicant, or if a	
9	business entity, that the officer or partner in subsection (b):	
0.	(1) has not committed an act, which, if committed by a	
1	licensee would be grounds for the suspension or revocation of	
.2	a license under this chapter;	
.3	(2) has not been convicted of a:	
.4	(A) felony; or	
.5	(B) misdemeanor that has a direct bearing upon the	
6	applicant's ability to practice competently;	
27	(3) has not been refused a license under this chapter or had a	
8	license revoked;	V
.9	(4) has not while unlicensed, committed, or aided and abetted	
0	commission of an act for which a license is required by this	
1	chapter;	
2	(5) is not on probation or parole; or	
3	(6) is not being sought under an active warrant against the	
4	applicant, officer, or partner.	
5	Sec. 10. If a change in the ownership of a security guard agency	
6	results in the failure to meet the qualifications set forth in section	
7	9 of this chapter:	
8	(1) the license for the security guard agency terminates on the	
9	date the change in ownership is effective; and	
0	(2) the security guard agency must file a new application for	
1	a license as a security guard agency with the board.	
12	Sec. 11. (a) Upon the death of an individual licensed under this	



1	chapter, the security guard agency with which the decedent was	
2	connected may be carried on for a period of ninety (90) days after	
3	the individual's death by the following:	
4	(1) In the case of an individual licensee, the surviving spouse,	
5	or if there is no surviving spouse, the executor or	
6	administrator of the estate of the decedent.	
7	(2) In the case of a partner, the surviving partners.	
8	(3) In the case of an officer of a business entity, the other	
9	officers of the business entity.	
10	(b) Upon the authorization of the board, a security guard agency	
11	may be carried on for a further period of time when necessary to	
12	complete an investigation or assist in litigation pending at the death	
13	of the decedent.	
14	(c) This section does not authorize the solicitation or acceptance	
15	of business after the death of an individual except as provided by	
16	this chapter.	
17	(d) This section may not be construed to restrict the sale of a	
18	security guard agency if the vendee qualifies for a license under	
19	this chapter.	
20	Sec. 12. (a) A license, when issued, must be in a form determined	
21	by the board and must include the following:	
22	(1) The full name of the licensee.	
23	(2) The number and expiration date of the license.	
24	(b) Upon the issuance of a security guard agency license, a	
25	pocket card shall be issued without charge to the licensee. If a	
26	license is revoked, the person whose license is revoked shall	
27	surrender the pocket card and, not later than five (5) days after	
28	revocation, shall mail or deliver the pocket card to the board for	
29	cancellation.	
30	(c) A licensed security guard agency shall, not later than thirty	
31	(30) days after a change, notify the board of any changes to the:	
32	(1) licensee's address;	
33	(2) name under which the licensee does business; or	
34	(3) licensee's officers, directors, members, or partners.	
35	(d) A license issued under this chapter is not assignable and is	
36	personal to the licensee.	
37	(e) A licensee shall present, upon the request of any client, a	
38	pocket card license that indicates the:	
39	(1) license is active; and	
40	(2) licensee is in good standing.	
41	Sec. 13. (a) A licensee may employ, to assist the licensee in the	
12	licensee's business as a security guard agency, as many unlicensed	



1	persons as necessary. The licensee is civilly responsible for the good
2	conduct of all employees while the employees are acting on behalf
3	of the licensee.
4	(b) A licensee shall maintain a record, relative to the licensee's
5	employees, containing the following information:
6	(1) A picture taken within thirty (30) days of the date that the
7	employees commences employment with the licensee.
8	(2) A full set of fingerprints of both hands of the employees.
9	(c) A licensee shall provide the board, at the board's request, a
10	roster of all unlicensed persons employed by the security guard
11	agency.
12	Sec. 14. An advertisement by a licensee soliciting or advertising
13	for business must contain the name and address of the licensee as
14	it appears in the records of the board.
15	Sec. 15. It is unlawful for a person licensed by any other state to
16	do business in Indiana unless the person is licensed and authorized
17	to do business in Indiana. A person may not do business in Indiana
18	until the person is licensed with the board and meets the
19	requirements for licensees of Indiana. In addition, an out-of-state
20	person must prove to the board that the person is in good standing
21	in the state the person was issued a license.
22	Sec. 16. (a) An applicant for a security guard agency license
23	must submit to the board a certificate of insurance or other
24	evidence of financial responsibility that:
25	(1) is approved by the board; and
26	(2) meets the following requirements:
27	(A) Is issued by an insurance company or other legal entity
28	authorized to transact business in Indiana.
29	(B) Provides for general liability coverage of at least one
30	hundred thousand dollars (\$100,000).
31	(C) Lists the state as an additional insured.
32	(D) States that cancellation and nonrenewal of the
33	underlying policy or other evidence of financial
34	responsibility is not effective until the board receives at
35	least ten (10) days prior written notice of the cancellation
36	or nonrenewal of the policy.
37	(E) Contains any other terms and conditions established by
38	the board.
39	(b) The insurance referred to in subsection (a):
40	(1) must cover damages that the insured becomes legally
41	obligated to pay for bodily injury or property damage
12	proximately caused to a person by the insured in conducting



1	business as a security guard agency;
2	(2) must include coverage for:
3	(A) false arrest, detention, or imprisonment;
4	(B) malicious prosecution; and
5	(C) wrongful entry or eviction or other invasion of the
6	right of private occupancy; and
7	(3) may not exclude coverage for an intentional act taken by
8	or at the direction of the insured that results in bodily injury,
9	if the injury arises solely from the use of reasonable force to
10	protect persons or property.
11	(c) If a licensee fails to comply with the insurance requirements
12	of this section, the license of the licensee shall be suspended. A
13	license suspended under this subsection may not be reinstated until
14	an application for reinstatement of the license, in the form
15	prescribed by the board, is filed with the board, together with
16	proper proof of insurance.
17	(d) The board may deny an application for the reinstatement of
18	a license suspended under this section, notwithstanding the
19	applicant's compliance with the insurance requirements of this
20	section for any of the following:
21	(1) Any reason that would justify a refusal to issue, a
22	suspension, or a revocation of a license.
23	(2) The performance by the applicant, while the applicant's
24	license was suspended under this section, of any practice for
25	which a license under this chapter is required.
26	Sec. 17. (a) Unless a license is renewed, a license issued under
27	this chapter expires on a date specified by the licensing agency
28	under IC 25-1-6-4 and expires every four (4) years after the initial
29	expiration date. An applicant for renewal shall pay the renewal fee
30	established by the board under IC 25-1-8-2 on or before the
31	renewal date specified by the licensing agency.
32	(b) If the holder of a license does not renew the license by the
33	date specified by the licensing agency, the license expires and
34	becomes invalid without any action taken by the board.
35	(c) A license may be reinstated within three (3) years after the
36	expiration of the license if the applicant does the following:
37	(1) Files an application for renewal with the board.
38	(2) Pays the fees established under IC 25-1-8-6.
39	Sec. 18. (a) The board shall charge and the licensing agency
40	shall collect the fees established by the board under IC 25-1-8.
41	(b) All fees collected under this chapter shall be deposited in the
42	state general fund and shall be accounted for by the licensing



1	aconor
1 2	agency. (c) All fees collected under this chapter are nontransferable and
	nonrefundable.
3	Sec. 19. (a) The proceedings under this chapter shall be
4	
5	conducted in accordance with IC 4-21.5, and the board has all powers granted under IC 4-21.5.
6 7	•
8	(b) The board may impose sanctions against a licensee under IC 25-1-11 if the board determines that the licensee has done any
9	of the following:
0	(1) Forcibly and without the consent of the person in lawful
1	possession, entered a building or part of a building.
2	(2) Impersonated, or permitted or aided and abetted an
3	employee to impersonate a law enforcement officer, an
4	employee to impersonate a law employee of the United States government, an employee of the
5	state, or an employee of a political subdivision of the state.
6	(3) During the period between the expiration of a license for
7	failure to renew within the time fixed by this chapter and the
8	reinstatement of the license, has committed or permitted an
9	employee to commit an act that would be cause for suspension
0	or revocation of a license, or grounds for the denial for the
1	application for a license.
2	(4) Committed an act that is ground for a denial for an
3	application for a license under this chapter.
4	Sec. 20. This chapter may not be construed to authorize any
5	licensee to carry any weapon.
6	Sec. 21. A person that files a civil action to collect fees for
7	performing acts regulated by this chapter must allege and prove
8	that when the action arose the person was not in violation of
9	section 23 of this chapter.
0	Sec. 22. A prosecuting attorney to whom the board reports a
1	violation of this chapter shall cause proceedings to be commenced
2	against a person or a business entity violating this chapter and to
3	prosecute the person or the business entity to final termination.
4	Sec. 23. (a) A person who recklessly, knowingly, or intentionally
5	violates this chapter commits a Class A misdemeanor.
66	(b) A person who is not exempt under section 6 of this chapter,
37	who does not have a security guard agency license, and who
8	recklessly, knowingly, or intentionally:
9	(1) engages in business as a security guard agency;
10	(2) solicits or advertises for business as a security guard
1	agency; or
12	(3) in any way represents to be a security guard agency;



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1	commits a Class A misdemeanor.
2	(c) In addition to any other penalty imposed on the person, the
3	court shall fine a person of an offense under subsection (b) the
4	amount of compensation earned by the person in the commission
5	of the offense. Notwithstanding IC 35-50-3-2, the total fine imposed
6	under this section may exceed ten thousand dollars (\$10,000) if
7	necessary to comply with this subsection.
8	(d) Each transaction under subsection (b) constitutes a separate
9	offense.
10	(e) A complaint for a violation of this chapter or for an
11	injunction under section 24 of this chapter is sufficient if the
12	complaint alleges that a person or business entity on a specific day
13	in a specific county:
14	(1) engaged in business as a security guard agency;
15	(2) solicited or advertised for business as a security guard
16	agency; or
17	(3) represented to be a security guard agency;
18	without a security guard agency license.
19	(f) A person who recklessly, knowingly, or intentionally fails or
20	refuses to surrender a security guard agency license issued under
21	this chapter when the license is revoked by action of the board
22	commits a Class A misdemeanor.
23	Sec. 24. (a) If the board determines that a person that is not
24	licensed or exempt under this chapter is engaged in activities that
25	require a license, the board may send a notice of hearing requiring
26	the person to show cause why the challenged activities are not a
27	violation of this chapter. The notice must be in writing and include
28	the following information:
29	(1) The date, time, and place of the hearing.
30	(2) The alleged violation.
31	(3) That the affected person or the person's representative
32	may present evidence concerning the alleged violation.
33	(b) A hearing conducted under this section must comply with
34	IC 4-21.5.
35	(c) If the board after a hearing determines that the activities
36	that the person engaged in are subject to licensing under this
37	chapter, the board may issue a cease and desist order that
38	describes the person and activities that are the subject of the order.
39	(d) A cease and desist order issued under this section is
40	enforceable in the circuit courts of Indiana.

(e) The attorney general, the board, or the prosecuting attorney

of any county where a violation of section 23(b) of this chapter



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1	occurs may file an action in the name of the state for an injunction.	
2	SECTION 28. THE FOLLOWING ARE REPEALED [EFFECTIVE	
3	JULY 1, 2007]: IC 25-30-1-1.2; IC 25-30-1-5.1.	
4	SECTION 29. [EFFECTIVE JULY 1, 2007] (a) The private	
5	detective licensing board is abolished. The powers, rights,	
6	obligations, functions, liabilities, and assets of the private detective	
7	licensing board as of June 30, 2007, shall be transferred to the	
8	private investigator and security guard licensing board, as	
9	established by this act on July 1, 2007.	
10	(b) This SECTION expires July 1, 2009.	
11	SECTION 30. [EFFECTIVE JULY 1, 2007] (a) Notwithstanding	
12	IC 25-30-1-5.2, as added by this act, the initial terms of the	
13	members of the private investigator and security guard licensing	
14	board are as follows:	
15	(1) The term of a member appointed under	
16	IC 25-30-1-5.2(b)(2)(A) and IC 25-30-1-5.2(b)(2)(C), as added	
17 18	by this act, is two (2) years. (2) The term of a member appointed under	
19	(2) The term of a member appointed under IC 25-30-1-5.2(b)(2)(B) and IC 25-30-1-5.2(b)(2)(D), as added	
20	by this act, is three (3) years.	
21	(b) This SECTION expires July 1, 2011.	
22	SECTION 31. [EFFECTIVE JULY 1, 2007] (a) The definitions in	M
23	IC 25-30-1-2 and IC 25-30-1.3-1 through IC 25-30-1.3-5 apply	N
24	throughout this SECTION.	
25	(b) Notwithstanding IC 25-30-1, as amended by this act, and	
26	IC 25-30-1.3, as added by this act, the board may issue a license as	
27	a private investigator firm or a security guard agency to a person	W 4
28	that:	V
29	(1) holds a license as a private detective business under	J
30	IC 25-30-1, as amended by this act, on June 30, 2007; and	
31	(2) verifies to the board before December 31, 2007, that the	
32	person meets the qualifications required to hold a license as	
33	a:	
34	(A) private investigator firm under IC 25-30-1; or	
35	(B) security guard agency under IC 25-30-1.3.	
36	(c) This SECTION expires January 1, 2008.	

